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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,478	06/14/2001	Geoffrey Howard Blackham	GJ-223J	7893

7590 12/09/2005
Iandiorio & Teska
260 Bear Hill Road
Waltham, MA 02451-1018

EXAMINER

DHARIA, PRABODH M

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/881,478	Applicant(s) BLACKHAM ET AL.	
	Examiner Prabodh M. Dharia	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04-28-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-15-03, 06-26-04</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. **Status:** Receipt is acknowledged of papers submitted on 04-28-2005 under request for reconsideration has been placed of record in the file. Claims 11-18 are pending in this action. Claims 1-10 are cancelled.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Amendment

3. The amendments filed on 12-15-2003 under amendments and new claims, is sufficient to overcome the 35 US 112 claim rejection. The 35 US 112 claim rejection is withdrawn.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because it repeats information given in the title. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vetro et al. (6,650,705) in view of Cosatto et al. (5,864,630).

In reference to claim 11, Vetro teaches a multi-channel image display device with low frame rate source channels forming the background, and high frame rate source channel. As shown in figure 4, the high speed real-time image processing which inserts the high frame channel image onto the background scene.

The specific claim limitations specifying at least two background channels and at least one foreground channel are not explicitly stated in Vetro's disclosure. However, Cosatto et al. invention teaches specifying at least two background channels and at least one foreground channel (Col. 3, Lines 9-11, 23-27, Col. 13, Lines 15-20, Line 61 to Col. 14, Line 2).

Cosatto et al. teaches an invention that is similar to the one disclosed by the applicant, displaying the image data using multi-channel image display. Vetro's imaging invention can be applied to Cosatto et al. display as certainly display requires an imaging method.

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It would have been obvious to one skilled in the art to combine the two invention to allow higher more accurate image representation in area's of interest without increasing the complexity of periphery images.

In reference to claim 12, it can be seen from figure 4 and column 7, line 3 that the frame rates are synchronized.

Cosatto et al. teaches the frame rates are synchronized (Col. 5, Lines 33-36, Col. 4, Line 24-48, Col. 13, Line 66 to Col. 14, Line 5).

In reference to claim 13, again from figure 4, it can be seen that the high gram rate source provides partial frames.

In reference to claims 14-16, Vetro teaches on column 9, lines 1-3 and column 11, lines 38-46 that the higher frame rates are assigned to target objects.

8. Claims 17,18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vetro et al. (6,650,705) in view of Cosatto et al. (5,864,630) as applied to claims 11-16 above, and further in view of Thomas (5,137,450).

In reference to claim 17, Vetro's invention is similar to the one being claimed however he does not teach the use of a head-slaved tracker to denote the area of interest.

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Thomas' invention (figure 2 and column 3, lines 54-57) teaches a head slaved display device with an area of interest (item 31, figure 4).

Thomas' teaches an invention that is similar to the one disclosed by the applicant, a structural housing to display the image data. Vetro's imaging invention can be applied to Thomas' display as certainly display requires an imaging method.

It would have been obvious to one skilled in the art to combine the two invention to allow higher more accurate image representation in area's of interest without increasing the complexity of periphery images.

In reference to claim 18, Thomas teaches on column 3, lines 25-26 that is display can be used form simulation purposes.

Response to Arguments

9. Applicant's arguments with respect to claims 11-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gwynn (6,259,429) Multi-Channel visual display apparatus.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M. Dharia whose telephone number is 571-272-7668.

The examiner can normally be reached on M-F 8AM to 5PM.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

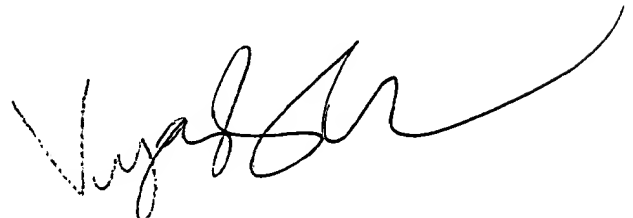
Commissioner of Patents and Trademarks

Washington, D.C. 20231

PD

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December 02,2005

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a long, sweeping horizontal stroke extending to the right.

**VIJAY SHANKAR
PRIMARY EXAMINER**